

1 Robert D. Infelise (California State Bar No. 93876)
2 Peter M. Morrisette (California State Bar No. 209190)
Cox, Castle & Nicholson LLP
555 California Street, 10th Floor
3 San Francisco, California 94104-1513
Telephone: (415) 392-4200
4 Facsimile: (415) 392-4250
Email: rinfelise@coxcastle.com

5 Attorneys for the plaintiffs,
6 DR Management, LLC; DR Acquisitions I, LLC; DR Holdings,
LLC; Jennifer Lin; Frederick Lin; and Kevin Lin

7 Joseph P. Russoniello (California State Bar 44332)
8 United States Attorney
Thomas Moore (ASBN 4305-T780)
9 Assistant United States Attorney, Chief, Tax Division
Cynthia Stier (District of Columbia Bar No. 423256)
10 Assistant United States Attorney
10th Floor Federal Building
11 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
12 Telephone: (415) 436-7000; Facsimile: (415) 436-6748

13 Robert J. Higgins (District of Columbia Bar No. 242966)
Trial Attorney, U.S. Department of Justice
14 Bart D. Jeffress (Connecticut Bar No. 419184)
Trial Attorney, U.S. Department of Justice
15 555 4th Street., N.W., Room 8816
Washington, D.C. 20001
16 Telephone: (202) 307-6580; Facsimile: (202) 514-9440
Email: robert.j.higgins@usdoj.gov

17 Attorneys for the defendant
18 United States of America

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 **DR MANAGEMENT, LLC, et al.**

23 **Case No. 05-01010 MMC**

24 Plaintiffs,

25 vs.

26 **UNITED STATES OF AMERICA, et al.,**

27 Defendants.

28 **THIRD STIPULATION TO CONTINUE
TRIAL DATE AND SUMMARY
JUDGMENT MOTION HEARING DATE;
PROPOSED ORDER**

1 This stipulation between the plaintiffs (DR Management, LLC; DR Acquisitions, LLC;
 2 DR Holdings, LLC; Jennifer Lin; Frederick Lin; and Kevin Lin) and the defendant (the United States
 3 of America) is based on the following facts:

4 **RECITALS**

5 1. On February 7, 2008, the plaintiffs and the defendant filed a stipulation
 6 (Document 145) (i) notifying this Court that the parties had reached a tentative settlement and (ii)
 7 requesting that this Court continue the trial date and summary judgment hearing no less than four
 8 months so as to provide the defendant with sufficient time to secure the necessary approvals from the
 9 Department of Justice and the Internal Revenue Service and prepare the settlement papers.

10 2. On February 8, 2008, this Court issued an order (Document 146) approving in
 11 part the stipulation to continue the trial date and summary judgment hearing date, and set the
 12 following revised calendar in this action:

- 13 • Summary Judgment Motion Hearing: June 20, 2008
- 14 • Pretrial Filings, including Motions in Limine: July 1, 2008
- 15 • Opposition to Motions in Limine: July 8, 2008
- 16 • Pretrial Conference: July 15, 2008
- 17 • Trial Date: August 25, 2008

18 3. On February 20, 2008, the plaintiffs and the defendant filed a stipulation
 19 (Document 147) (i) notifying this Court of a conflict that the plaintiffs' lead lawyer, Robert D.
 20 Infelise, had with the schedule adopted by this Court. On February 21, 2008, this Court issued an
 21 Order (Document 148) approving the stipulation and set the following revised calendar in this action:

- 22 • Summary Judgment Motion Hearing: July 18, 2008
- 23 • Pretrial Filings, including Motions in Limine: August 5, 2008
- 24 • Opposition to Motions in Limine: August 12, 2008
- 25 • Pretrial Conference: August 19, 2008
- 26 • Trial Date: September 29, 2008

1 4. Since February 7, 2008, the parties have been diligently working toward
2 finalizing and upon government approval for the tentative settlement. Specifically, the plaintiffs have
3 been responding to the Internal Revenue Service's requests for additional documents related to the
4 tentative settlement. The United States of America, on the other hand, has been diligently (i)
5 analyzing documents produced by the plaintiffs both before and after reaching a tentative agreement
6 and (ii) obtaining approvals from the various officials who must approve it. As this Court is aware,
7 any settlement must be reviewed by several officials within the Department of Justice, culminating
8 with final review and approval by the Associate Attorney General of the United States. To date, the
9 settlement has been reviewed and recommended by the Western Region of the Civil Trial Section of
10 the Tax Division, and reviewed by the Tax Division's Office of Review and forwarded to the Tax
11 Division's Acting Assistant Attorney General. Once he has approved the settlement, it must be
12 forwarded to the Associate Attorney General for final approval.

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1 **TERMS**

2 Based on these facts, the plaintiffs and the defendant agree to the following schedule:

- 3 • Summary Judgment Hearing – August 19, 2008
4 • Pretrial Filings and Motions in Limine – September 5, 2008
5 • Opposition to Motion in Limine – September 12, 2008
6 • Pretrial Conference – September 19, 2008
7 • Trial – October 29, 2008

8 July 2, 2008

9 Cox, Castle & Nicholson LLP

10 By: /s/ Robert D. Infelise

11 Robert D. Infelise
12 Attorneys for the plaintiffs,
13 DR Management, LLC; DR Acquisitions I, LLC;
14 DR Holdings, LLC; Jennifer Lin; Frederick Lin;
15 and Kevin Lin

16 July 1, 2008

17 United States Attorney
18 Joseph P. Russoniello, Esq.
19 Robert J. Higgins, Esq.
20 Bart D. Jeffress, Esq.

21 By: /s/ Robert J. Higgins

22 Robert J. Higgins
23 Attorneys for the defendant
24 United States of America

25 **ORDER**

26 Pursuant to the stipulation of counsel, it is so ordered. the Court finds good cause for
27 the requested continuance. The specific dates proposed by the parties, however, require adjustment in
28 light of the Court's calendar.

29 Accordingly, the Court continues the remaining dates, as follows:

30 Summary Judgment Hearing – August 29, 2008, at 9:00 a.m.

31 Pretrial Filing and Motions in Limine – September 19, 2008

32 Opposition to Motions in Limine – September 26, 2008

1 Pretrial Conference – October 7, 2008, at 3:00 p.m.

2 Trial – October 20, 2008, at 9:00 a.m.

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4 Date: July 3, 2008



5 The Honorable Maxine M. Chesney

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